

Approved 12/15/05

**CHARTER REVIEW COMMISSION
MEETING**

**Thursday, November 17, 2005; 8:00 a.m.
6th Floor Front Conference Room
Council Office Building**

Minutes

Commission Members Present:

Kenneth Muir, Chair
Barbara Smith Hawk, Vice Chair
Julie Davis
Mollie Habermeier
Cheryl Kagan
Michael McKeehan
Robert Reeder
Randy Scritchfield
Robert Skelton (via telephone)
Shelton Skolnick
Sally Sternbach

Staff:

Sonya Healy, Legislative Analyst
Carol Edwards, Legislative Services
Coordinator
Justina Ferber, Legislative Analyst
Marc Hansen, Chief, Division of General
Counsel, Office of the County Attorney

Guests:

Councilmember Phil Andrews
Councilmember Nancy Floreen
David Moon, Program Director, Fair Vote
Merle Steiner, Confidential Aide
to Councilmember Floreen
Dale Tibbitts, Montgomery County Civic
Federation

Chairman Muir opened the meeting at 8:00 a.m.

I. Meet with Councilmember Floreen

Structure of the Council: Councilmember Floreen asked the Commission to think about the following: “What is the problem with the current Council structure and what would changing the size and structure of the Council accomplish?” She commented that she had not heard from any constituents that she or her colleagues are not accessible. The fact that municipalities such as Gaithersburg, Takoma Park, and Rockville are very active and provide a more local, personal service to a large number of homeowners and homeowner associations, doesn’t mean that more Council districts are needed.

Councilmember Floreen believes the biggest challenge in the County is getting good, qualified people on the Council. Councilmembers are subject to a great deal of scrutiny and have to make

difficult decisions. She does not believe that the expense of campaigning for the Council is a deterrent for people to run for the position. Some people may choose to spend more money than others. She believes that a great deal depends on the alliances and relationships that people build. She urged the Commission to eliminate the cost of campaigning from the debate about creating more Council seats.

Councilmember Floreen stated that expanding the size of the Council will dilute the Council's strength. A larger Council would create more work and would require additional staff.

Commissioner Skolnick asked Ms. Floreen to comment on the two proposals to change the structure of the Council – Former Councilmember Leggett's proposal (8 district and 3 at large representatives) and Councilmember Silverman's proposal (7 districts and 6 at large representatives). Councilmember Floreen believes that the proposals are part of a political agenda to run for office and should not be a basis for a Charter Review Commission recommendation.

Commissioner Davis commented that it is a perceived problem that people who do not have money find it harder to run at-large. Wouldn't smaller districts create more opportunity for minority candidates?

Councilmember Floreen commented that in her opinion term limits would be a better way to have access to new representation.

Commissioner Hawk asked Councilmember Floreen to comment on Councilmember Praisner's recommendation that Regional Service Center Boards could serve as an incubator for future Council candidates. Councilmember Floreen agreed with Mrs. Praisner's recommendation and suggested that municipal groups are a very good source of people who are qualified or interested in running for office. She noted that that Leadership Montgomery is also a good resource.

Commissioner Skelton asked Councilmember Floreen if the Commission should review the issue of term limits. She believes that people can vote ineffective representatives out of office during each election cycle. One of the problems with term limits is that lame duck candidates start to spend time looking for their next job and aren't as focused on representing their constituents at the end of their terms.

Councilmember Floreen noted that the Council is conducting more Town Hall meetings and making efforts to go to different parts of the County. The goal is for the Council to get a better idea about issues going on in each community and to educate individuals about County Government.

II. General Discussion

Commissioners Skolnick, Reeder and Sternbach met to discuss the full-time/part-time Councilmember issue. The subcommittee recommended that the Council should be considered part-time, with no restrictions on outside employment. The subcommittee recommends that the

Charter remain silent on part-time/full-time employment issue to provide flexibility. The voters should decide the issue of compensation at the ballot box.

Commissioner Skelton (also a member of the subcommittee) disagreed with the subcommittee's recommendation to consider the Council part-time. He stated that the reality is that the Council is a full-time job. Voters expect the Council to work full-time. However, he doesn't think that all outside employment should be prohibited.

Commissioner Davis referred to the Commission's 2004 Report in which the Commission recommended (9-1) a proposal to amend the Charter to reflect that membership on the Council shall be considered a full-time position for the purpose of compensation but would not limit the extent to which a Councilmember could engage in outside employment for compensation.

Commissioner McKeehan, who had served on the previous Compensation Task Force, commented that the Task Force saw the issue as one of compatibility – comparing Montgomery County to comparable jurisdictions. However, most of those jurisdictions did not indicate whether their Councils were part time or full-time.

Chairman Muir asked the Commissioners if they were ready to vote on the recommendation that the Charter should be amended to reflect that the Council should be considered a part-time position but remain silent on compensation, and allow Councilmembers to have outside employment.

Action: The subcommittee agreed to revisit the issue of full-time/part-time and generate actual language to bring back to the full Commission. The subcommittee agreed to review the recommendation on full-time/part-time in the 2004 Charter Review Commission Report and the 2002 Compensation Task Force report and then bring their proposal back to the Commission.

Action: The Charter Review Commission requested a copy of the 2005 Compensation Committee's Final Report.

III. Meet with David Moon, Program Director, Fair Vote – The Center for Voting and Democracy

Mr. Moon stated that his organization, Fair Vote – The Center for Voting and Democracy, is a non-profit study group that has been in existence for 13 years. Fair Vote is a non-partisan group based in Takoma Park that studies elections and advocates reform to promote increased participation and fair representation.

Mr. Moon stated that the primary question is the County's electoral system design. Specifically, what is the lowest number a voting bloc would need to guarantee one seat (all at-large). A 51 percent threshold is needed to guarantee election of a single seat (all at-large). He stated that most people think there is stability in the current system but he disagrees. He believes that the current Council election system creates instability. A 51 percent voting bloc could change the entire make-up of the Council.

Fair Vote recommends “cumulative voting” in Montgomery County. Under cumulative voting, the current system would remain the same, except for the at-large seats, voters would have “cumulative voting rights” which means that they could allocate their votes more freely than under the current winner-take-all system. Mr. Moon provided the Commission with background information on voting systems, which is contained the Charter Review Commission files in the Council Office.

IV. Meet with Councilmember Andrews

Councilmember Andrews stated that there are four major responsibilities at the Council: to (1) oversee the budget; (2) make land use decisions; (3) vote on County laws and regulations; and (4) to provide constituent services.

Size of the Council: Councilmember Andrews supports increasing the size of the Council, but would not go beyond 11 members. He believes that it would be more expensive to increase the size beyond 11 members. Councilmember Andrews supports all-district representation because he believes it is more representative of the people.

Mix of the Council: Although Councilmember Andrews advocates an all-district system, he could support at-large representation in smaller areas but not in large areas. He believes that an at-large system eliminates a new candidate’s ability to run in the County. Councilmember Andrews stated that there is no evidence that an all-district Council would be parochial.

Councilmember Andrews commented that in an at-large system, money makes a difference. There is less influence and not as much money needed in an all-district race. He believes that an at-large system is exclusionary.

In an 8 districts/3 at-large system, districts could be the same size as state legislative districts which gives constituents the ability to know their representatives. District representation depends on County residents being broad-minded rather than being parochial in their thinking.

Councilmember Andrews was asked how many issues are local or earmarked for a particular district that come before the Council. Councilmember Andrews commented that the Council operates as a Committee of the whole. He emphasized that every issue is reviewed by the full Council.

Commissioner Kagan asked Councilmember Andrews to comment on outside employment for Councilmembers. Councilmember Andrews does not support outside employment for members of the Council. He believes it is extremely difficult to have outside employment and be an effective Councilmember.

Compensation: On the issue of compensation, Councilmember Andrews commented that the salary for the Council is too low for the workload required. The salary restricts the number of people who may run for the Council. Councilmembers are required to make a major long-term commitment that is more than full-time and should receive adequate compensation for this commitment.

Commissioner Kagan asked if there were many instances of conflict of interest or scheduling conflicts related to a Councilmember's outside employment. Councilmember Andrews commented that outside employment would never be an option for him, and that it is not desirable for public service because conflict of interests do arise. However, some Councilmembers have been able to make it work. He believes that the public is better served with full-time Councilmembers. The public expects Councilmembers to be proactive not just reactive and to provide a high level of oversight.

Final ballot language: Councilmember Andrews believes the Council should approve ballot language but thinks that it is inappropriate for the Council to change the language late in the process.

Number of signatures to petition a change in the Charter: Councilmember Andrews supports the current number (10,000) of signatures required to change the Charter.

V. Administrative Items

Action: A motion was made to approve the October 20 and October 24 minutes. The motion was seconded and the minutes were approved with minor corrections.

Future Meeting Dates:

December 15

January 19

February 16

Action: Council staff will re-invite Councilmember Denis to meet with the Commission.

Meeting adjourned at 10:00 a.m.